

borders. Immigration and Customs Enforcement (“ICE”), however, had contracted with Geo Group to house undocumented immigrants within California’s borders. The question for the court was whether the state could regulate the federal government’s decision on how to operate its detention facilities. The court held that the California statute “would override the federal government’s decision, pursuant to discretion conferred by Congress, to use private contractors to run its immigration detention facilities” and that “California cannot exert this level of control over the federal government’s detention operations.” *Geo Group*, 54 F.4th at 750-51.

As in *Geo Group*, this lawsuit seeks to interfere, and do away, with Congressional delegation of housing management at federal military facilities to private contractors. Application of such state law to the federal contractor, the Ninth Circuit held, was improper under either a theory of preemption or under the doctrine of intergovernmental immunity. Although the application of the Supremacy Clause is even stronger in our case because we are dealing with a federal installation, *Geo Group* offers a recent example of the reasoning and authority underlying the defense as asserted by Defendants, and the protection of the federal government’s ability to protect private contractors from state regulation at facilities engaged in federal business.

The careful, thorough reasoning of the *Geo Group* decision is pertinent to the motion pending before this Court, and Defendants hope that this persuasive authority will assist the Court in deciding that motion. Of course, Defendants will be available to answer any of the Court’s questions at the hearing on November 9, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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